UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

November 1, 2012

To: Lois Rossi, Director
Registration Division
Office of Pesticide Programs

From: Luis Suguiyama, Chief
Minor Use and Emergency Response Branch
Registration Division

Subject: Repeat Section 18 Quarantine Exemption for the Use of Fipronil in Texas to Control Crazy Ant Outbreaks

The Texas Department of Agriculture has submitted a repeat request for a quarantine exemption for an expanded use of fipronil to control an invasive species of Caribbean crazy ant (*Nylanderia* sp. nr. *pubens*) also referred to as the Rasberry Crazy Ant. The exemption use is to expand the Federally-registered use pattern of treatment to structures 1 foot up and 1 foot out from the perimeter, to allow spraying 3 feet up and 10 feet out when emergency conditions are present (where the ant has been confirmed). Similar treatment around utility wires where infestations occur will also be allowed. For details on the emergency situation, the previous decision memo from 2009 is attached.

A quarantine exemption request from Texas that was granted in 2009 for a period of 3 years expired on October 21, 2012. Since the time of its initial discovery in the Houston area in 2002, this pest has continued to expand its range into southeast and central Texas and is now found in 23 counties. When not controlled, this intensely aggressive ant species spreads and breeds prolifically. It has caused tremendous economic damage and distress to businesses and residences, and ecological damage as well, devouring anything in its path. The currently registered materials for ant control do not provide adequate control of this ant species or prevent its spread. Fipronil appears to kill more slowly and spread more readily between ants, and its longer residual activity and the expanded treatment area under the emergency exemption also reduces the need for re-treatments. With treatment of a narrower band, the first wave of ants may die but quickly cover the treated area forming a “bridge” for the rest of the ants to cross over. The TDA states that there remains a need for this expanded use of fipronil in the continued challenge to stop or slow the spread of this devastating pest in Texas.

A workgroup consisting of the Texas Department of Agriculture, Texas A & M University, and the USDA continues to refine methods to rapidly detect and monitor the occurrence and spread of this pest, and research is ongoing into alternative control options. TDA states that two potential options for managing this pest have been identified:

1. Use of acephate for a sod treatment where the ants are present and building nests may be a promising option since it is aimed at the nest location where the reproduction is taking place for the infestation.

2. Use of baits incorporating a product that the ants would carry back to the nest to kill other ants and ultimately the queen. More research in general is needed since this ant species will not accept any of the ant bait materials currently available. However, fipronil appears to be the most promising material identified thus far for bait incorporation. Another group of potential materials for bait incorporation is the insect growth regulators (IGRs).

Research toward development of methods and controls incorporating IGRs is ongoing and these options are not expected to be available for at least several years. Thus, TDA asserts there is still a need for use of fipronil and/or acephate until additional controls can be developed.

There have not been any changes to the risk assessments for fipronil since this request was initially evaluated. Risks to public health and occupational risks are all below levels of concern.

As noted in the 2009 Decision Memo, EFED's assessment for the *registered* perimeter use of fipronil indicated some RQs exceeded the LOCs for certain birds and mammals feeding within the perimeter treatment zone. In commenting on this quarantine use pattern, EFED observed that exposure and risk calculations may increase by a 10x factor, owing to the expansion of the use up to 10 feet away from structures. Although this exemption represents an expansion on the registered perimeter use, TDA has maintained that concern for risks to wildlife and the environment are mitigated by the following factors:

- Use would generally involve non-contiguous treatment areas immediately adjacent to structures. While these areas may present acute risks to a small number of animals feeding in such environs, it is not likely that they also represent a chronic risk, given all other available habitat within proximity to the application site.

- Although several listed species may occur in counties proposed for use, habitat and dietary preferences should preclude adverse impacts.

- Application as a coarse low-pressure spray should limit drift, and label restrictions requiring buffer zones around aquatic areas should mitigate concern for runoff.

- The Section 18 and underlying Federal label limit use of the product to certified applicators.

Therefore, I recommend that this quarantine exemption be authorized, subject to the conditions in the exemption application as well as those in the attached correspondence.